

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

HOWARD WERT and JOANN WERT,)	
)	
Plaintiffs,)	
)	No. 3:04-1094
v.)	Judge Echols
)	
LA QUINTA INNS, INC.,)	
)	
Defendant.)	

ORDER

For the reasons explained in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Defendant's Motion In Limine to Exclude the Testimony of Elizabeth Bisgard, M.D. (Docket Entry No. 59) is hereby DENIED.

(2) Plaintiffs' Motion for Sanctions For Spoliation of Evidence (Docket Entry No. 87) is hereby DENIED.


(3) Defendant's Motion for Leave to File Supplemental Response in Support of Defendant La Quinta Inns, Inc.'s Motion for Summary Judgment (Docket Entry No. 82) is hereby GRANTED. The Supplemental Response is contained within the Motion and has been filed.

(4) Defendant's Motion for Summary Judgment (Docket Entry No. 55) is hereby DENIED.

This case is hereby returned to the Magistrate for further proceedings consistent with Local Rule 16.01 to ensure that this case is ready for a non-jury trial set for **Tuesday, October 16, 2007, at 9:00 a.m.** and the pretrial conference set for **Monday, September 17, 2007, at 3:30 p.m.** (Docket Entry No. 52). The Magistrate Judge shall ensure all pretrial discovery issues are resolved, any evidentiary issues are decided, and this case is ready for trial on the date scheduled without

further intervention by the Court. All such matters should be resolved before the final pretrial conference as scheduled above.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE